

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

August 8, 2012

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Carol Anest
Commissioner David Lenares
Chairman David Pruet
Commissioner Stanley Sobieski
Commissioner Dana Woods
Commissioner Frank Aieta-A
Commissioner Audra Ekstrom-A

Commissioners Absent

Commissioner Cathleen Hall
Vice-Chairman Michelle Camerota
Commissioner Michael Camillo-A

Staff Present

Craig Minor, Town Planner

Commissioner Aieta was seated for Commissioner Hall and Commissioner Ekstrom was seated for Vice-Chairman Camerota.

II. APPROVAL OF AGENDA

Chairman Pruet: Are there any changes on our agenda, Mr. Planner?

Craig Minor: Yes Mr. Chairman, I recommend that you delete Public Hearing III A, Petition 9-12, Special Exception for a Church and Place of Worship at 30 Maple Hill Avenue. The applicants didn't understand the sign posting requirements, so they didn't post the sign in time. It is up now, but it only went up on Monday, so I recommend that it be taken off the agenda. If there is any one here in the audience who is here for that item, it will be in two weeks.

Chairman Pruet: Okay, very good. Anybody here for the 30 Maple Hill Avenue about the Church, we're not going to be having that tonight.

III. PUBLIC HEARINGS

- A. Petition 09-12 Special Exception Section 3.2.1: Church and Place of Worship at 30 Maple Hill Avenue. Assembly of God Central Church, applicant Chen Chin Fang, owner, Pastor Baeg Shin, 209 Stony Hill Road, Wilbraham MA, contact.
(Removed from agenda)

B. Petition 19-12: Special Exception (Section 3.15.4: Restaurant) at 2551 Berlin Turnpike, 2551 Berlin Turnpike LLC, owner; Luz Ramos Squillante, applicant/contact.

Chairman Pruet: If you would like to come up, state your name and address for the record, and tell us about your petition?

Luz Squillante Ramos: Hello everyone. My name is Luz Squillante Ramos and I'm at 164 Eddy Lane in Newington. What we are looking to do is to open a breakfast and lunch establishment, and the address is 2551 Berlin Turnpike. We are looking to offer a specific menu for people who have intolerance to wheat and wheat products, so we are going to target a specific market as well.

Chairman Pruet: Your hours of operation?

Luz Squillante Ramos: Our hours of operation will be, like I said, breakfast and lunch to start, so we would be open anywhere between six and two or seven and two, depending on the day of the week.

Chairman Pruet: How many days of the week?

Luz Squillante Ramos: For now we are looking to open seven days a week. Specifically on Saturdays and Sundays to close at either one or two o'clock in the afternoon.

Chairman Pruet: Staff comments?

Craig Minor: I visited the site a number of times, there are a number of other retail uses there, it's an interesting collection, different kinds of activities going on there. My immediate concern when I reviewed the site plan was if there was enough parking and as I mentioned in my memo, when TPZ approved a site plan modification a few years ago for the owner, the Commission noted that there is not enough parking for the businesses that are there but apparently the Commission felt that in reality it's not a problem, there is never a shortage of parking, so the Commission approved the site plan with a note that twelve spaces would be deferred, and now this new restaurant, from my calculations technically generates the need for two more parking spaces but as I think I mentioned in my report, if you try to fine tune regulations that are rather broad in general in the first place, you can kind of get wrapped up in a way that really doesn't benefit anyone. So that is the only issue that I had, and it's a technicality, that technically there isn't enough parking but again the Commission is apparently aware of that because you approved a site plan several years ago with even less parking.

Chairman Pruet: Commissioner comments or concerns?

Commissioner Aieta: Mr. Chairman, the back portion of the building is a contractor's, a siding contractor's parking lot and a big part of that is a warehouse, so I think some of the parking for this square footage is not using the parking that is required for his area. I don't think that the parking is going to be a problem with this restaurant.

Chairman Pruet: Any other Commissioner comments?

Commissioner Anest: Where in the building are you going to be situated?

Luz Squillante Ramos: Actually, right next to the warehouse.

Commissioner Anest: On the side?

Luz Squillante Ramos: On the side of the building, yes.

Commissioner Sobieski: I have a question, looking at the site plan. I see a property line running right down the middle here, of the parking lot where it says, right above where it says fifteen spaces, there's a property line with dashes in it. Is that the actual property line, or is that a mistake in the plan, or

Craig Minor: Oh, good point.

Commissioner Sobieski: I see fifteen spaces off on the side here, but if I look at this map, and if I'm reading it correctly, they may not be on that property. That's how I'm interpreting it.

Craig Minor: Well, but then there's another bolder dashed line further down.

Commissioner Sobieski: I see that, I'm wondering why there are two lines on it.

Craig Minor: Possibly.....

Commissioner Aieta: I think that's the twenty foot access easement, that first line, that's an access easement. That's exactly what it is.

Chairman Pruet: Any further commissioner comments? If you will have a seat, we'll listen to the public. This is a public hearing, anybody wishing to speak in favor of this motion? Come forward and state your name and address for the record. Anybody wishing to speak against this petition? Seeing none, what is the opinion of the Commission on this?

Commissioner Anest: I move that we close it and move it to Old Business for two weeks.

Commissioner Lenares: Is this something we can move and do this evening? Two weeks, make a difference?

Chairman Pruet: It's up to you. If there are no major problems on it.

Commissioner Aieta: Ask the applicant if they have a time constraint on this?

Chairman Pruet: Do you have any time constraints on this at all?

Luz Squillante Ramos: Well, we actually have been waiting to settle this, so the sooner we get an answer on this the faster we can move along.

Chairman Pruet: Okay, we do have a draft motion, if no one has a problem with this....

Commissioner Anest: I'll amend to close and move to Old Business for this evening.

The motion was seconded by Commissioner Lenares. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Pruet: Okay, we'll move it to Old Business and we will vote on it tonight.

IV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda, each speaker limited to two minutes.)

Chairman Pruet: Come forward please and state your name and address for the record.

Christine Tofeldt, 107 Vincent Drive: I'm just inquiring about the new development at, I think it's 68 Maple Hill Avenue, a new housing development going in there, I think there are six houses. They have started digging, but my question is, I'd heard rumors that the plan that was approved years ago, that they are looking to possibly make changes to that. So I was just curious if that is something the Town can do with the developer or is that something that brings it back to your ballpark here? Does it have to be re-approved? I don't know if you have guidelines for that or what is required.

Craig Minor: I can speak to that. The applicant switched engineers after the project was approved and her new engineer has told her that in his opinion the previous engineer oversized some of the infrastructure. So he, her new engineer, has put together a modification to the plan, he submitted it to the Town Engineer. The Town Engineer asked for some more information, data to show that this revised plan still gets the job done, we're still waiting for all of that new data. Once I know exactly what the requested change is, then I'll be able to talk to the Chairman about whether it's different enough to warrant coming back to TPZ. If all they are going to do is make pipes that were thirty six inches, twenty four inches, probably not. But the Town Engineer is thinking of taking this opportunity to make some other changes for the betterment of the Town, but changes that might be, I won't say significant, but possibly would rise to the level of being appropriate for the Commission to be aware of and approve. So, as of now, I'm not sure which I will recommend, whether it will come back to the Commission, or whether it would just be a staff approved change.

Christine Tofeldt: My husband and I were before you when you were in your old location in the other part of the building a few years ago and.....

Commissioner Aieta: They since came back, since that time and re-applied for a new application. It was approved by this Commission and that only happened I would say within the last eight months.

Christine Tofeldt: Okay, see, we were put on notice for that original one many years ago, we never got any notice for the new one.

Commissioner Aieta: Probably because it was only a site plan approval, it's not required to be publicly notified.

Christine Tofeldt: No, okay, that's fine but how would we get notified if this does come back before you because we are pretty interested in the drainage issue and the water and all that.

Craig Minor: If you send me an e-mail, I'll make sure that you get on the mailing list to get agendas so.....

Christine Tofeldt: And you are?

Craig Minor: I'm the Town Planner, I can't give you my card, they're.....

Christine Tofeldt: Okay, the Town Planner's office?

Craig Minor: Yes, and we'll make sure that you are notified if it does come back to the Commission.

Commissioner Aieta: Do you about the project from Vincent Drive section?

Christine Tofeldt: No, we are one, two, three houses down, but we are down hill from all of that and the two houses north of me are passed through with the water, downhill, towards us. Fortunately my neighbor, right next door to us, is where the water ends up. I mean, we are affected by it, and we've lived there twenty years, it will be twenty years May 1st, and we've seen plenty of water, so in a way, this could help us, but it needs to be done right.

Commissioner Aieta: I think when we looked at the plans I remember a little bit about it, I think that most of the water is going back out to Maple Hill Avenue because of the elevations. I think the sanitary sewer, I mean the storm sewer will pick up a lot of that excess water and divert it to Maple Hill Avenue which will probably help you.

Christine Tofeldt: Yeah, I think it will.

Commissioner Aieta: But stay in touch to see what happens.

Chairman Pruet: If you leave your name and address, or call the Town Planner tomorrow, we'll put you on that list.

Christine Tofeldt: Okay, thank you.

Chairman Pruet: Thank you. Anybody else from the public wish to speak?

V. MINUTES

A. July 25, 2012

Commissioner Sobieski moved to accept the minutes of the July 25, 2012 regular meeting. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with six voting YES.

VI. NEW BUSINESS:

A. Petition 13-12: Site Plan Modification (Diesel Generator) at 2125 Main Street (Middlewoods of Newington) Middlewoods of Newington, owner/applicant; Mark Wells, Middlewoods of Newington, contact.

Chairman Pruet: Is the petitioner here tonight? If you could come up and state your name and address for the record?

Kathy Raga, 2125 Main Street: I'm director of Middlewoods of Newington 2125 Main Street, and actually I'd like to have Joe here tell you a little more about the actual generator.

Joe Thorn, Huntington Power: We're going to be the company installing the generator. It's a diesel generator for senior living. They were affected by the storms last year just like just about everyone else was, so they are really looking forward to it. There should be a site plan that we submitted that shows that the generator is protected by bollards on the driveway for snow plows, things like that. We are well within the setback lines. We preformed those calculations to ensure that they had adequate coverage. The generator itself does have a

sound attenuated enclosure, so it's not going to be a nuisance to the property. It's not going to be like people running their portables all night. We do plan on maintaining the generators after it's installed as well. The general idea is, if you guys have any specific questions I'd be more than happy to answer them.

Chairman Pruet: I was just curious about the decibel level on that. Is it presented by the manufacturer, or can you talk about that, the decibel level?

Joe Thorn: Yes, the industry standard is to rate decibels at twenty-three feet or seven meters. I'm not sure why the industry standard is like that, but it's rated at seventy-five decibels at twenty three feet and that is about the same as driving your car on the highway. I think we are like closer to fifty feet from the property line, so we are going to be in the sixties, which is you know, like the sound of an air conditioner or so. Also, there are no immediate neighbors, there is one house behind the property, and it appears that it is some type of farm land, or actually even further from this house, probably a couple of hundred feet from the actual house. So we did try to locate this in a spot that isn't going to disturb anybody, it's away from the road, behind the building. Another reason, it's the most cost effective place to the put generator for them, it's away from the building so it doesn't present a hazard.

Chairman Pruet: That will operate the whole complex?

Joe Thorn: Yes.

Chairman Pruet: Okay. Staff?

Craig Minor: I don't have concerns with it, but I haven't gotten comments yet from the Town Engineer or the Fire Marshal. I wanted him to take a look at it also because it is.....

Kathy Raga: They came to the property.

Joe Thorn: We don't want to try to do anything under the radar. We met with the electrical inspector and the building official and the Fire Marshal beforehand and were clear in our intent where we wanted to put the generator, how we intended on installing it with the electrical inspector, so on and so forth, how fast it would come on, it will come on within ten seconds of losing power, and they did say that they were happy with how we were going about things and go ahead to the Planning and Zoning meeting and get approval.

Chairman Pruet: But no report yet.

Craig Minor: I don't have a report yet.

Commissioner Aieta: How is it fueled? Is it gas, gas operated?

Joe Thorn: The fuel is, it's fueled by diesel, it sits on top of it's own fuel tank. The fuel tank does have secondary containment, it's a double walled tank with a leak detector inside there and an alarm to take care of any fuel spills. We don't want any fuel spills. It's UL listed.

Commissioner Aieta: You will test it every so often between storms, or power outages. Does it go on once a week, once a month?

Joe Thorn: Yes, it goes on once a week to test itself, it doesn't transfer the power because that would be an interruption, it comes on once a week, it can be done at the owner's discretion. If there is a certain time of day that you guys would like to have it

done, we can certainly comply with your wishes, and we are also a service company so we're going to service it. We recommend twice annual, a semi-annual visit, one being a major, where we do a full oil change, change the filters and the second is more like a check up. If anything is low, we top off the fluids and both times, if the owner allows us to, we transfer power to make sure it's in good working condition.

Chairman Pruet: I'd recommend that it be tested during the day.

Joe Thorn: We wouldn't want to test it at night, we'd want to test it when someone is there so they can make sure that it's working of course.

Chairman Pruet: Any other Commissioner comments? Due to the fact that we haven't got a report yet from Engineering and the Fire Marshal I think we should keep this open until we get that report? Any disagreement with that? Thank you, we are going to keep this open until we get that official report, and we will handle it at the next meeting.

B. Petition 20-12: Sec. 8-24 Referral from Newington Town Council regarding Request for Grading Rights at 690 Cedar Street (National Welding) Hayes Developers, applicant.

Chairman Pruet: Is the petitioner here? Okay, the petitioner's not here. Staff comments on that? I know you have a report but if you can paraphrase that for the public?

Craig Minor: I don't, let me just ask bluntly, is the Commission familiar with the 8-24 process?

Chairman Pruet: Yes, but maybe paraphrase it for our new members.

Craig Minor: Okay. In a nutshell, by Connecticut state law before the Town Council can acquire land, sell land, lease land the proposal has to come before the Planning Commission for a report. The state statute doesn't tell you what to look for, it just tells you that you have to issue a report. So people in my situation usually tell their Commissions is, what we should do is look at the Plan of Development, to make sure that this proposal doesn't conflict with the Plan of Development, check with the Capital Improvement Plan to make sure that whatever it is that's been suggested doesn't conflict with some long range plan that has been budgeted, is being worked on. As to why we do it, again the statute doesn't say, but I use the expression of left hand knowing what the right hand is doing. This is so the Town Council doesn't go around buying and selling land that maybe the Planning and Zoning Commission for years has been working on a plan to end up in some state that the Town Council wasn't aware of and just went off orbit, and again, just to make sure that everybody is on the same page. Now if the Planning and Zoning Commission recommends against it, the Council can still do it, it just requires a two thirds vote. It's not, it's not that you are recommending it, because who are you to say whether this is really a good thing for the Town to do or not. Are we getting a good price for the land? Who knows, and that's kind of not your, that's not for you to say. What is for you to say is whether this makes planning sense, whether this is a good use of the land. Not whether the taxpayers are getting the most for their dollar or visa-versa. I mean, or other things along those lines, and from that point of view, I would say, yes it does. It doesn't conflict with anything in the Plan of Development, it doesn't appear to conflict with anything in your long range capital plan, so I don't see any reason for TPZ not to issue a favorable report.

Chairman Pruet: If you can just explain what it is?

Craig Minor: What it is exactly is, the Town of Newington owns the old National Welding site on Cedar Street and the vacant lot next to it belongs to a local developer who would like to develop the property but there is a severe drop in grade between the developers land at 712 and the town's land at 690. So he is asking permission to be allowed to grade on our property, so that he ends up with more developable land on his property. The question comes up well, is that going to reduce our useful land? Well, yes, maybe by a factor of like a ten foot wide swath down the depth of the property, but.....

Commissioner Woods: They want to fill in the direction of National Welding?

Craig Minor: Yes. Correct.

Commissioner Sobieski: Craig, I have a question. Do we have any idea of what the elevation is going to wind up being?

Craig Minor: Yes, it's in your.....

Commissioner Sobieski: So if it starts going up here, and comes out to here at National Welding.....

Craig Minor: It's in your packet.

Chairman Pruet: It has to comply with our regulations.

Commissioner Sobieski: That's what I was concerned with. I guess this material that he's going to remove at grade, do we know if this is contaminated or not.

Commissioner Aieta: He would have to bring in material.

Commissioner Sobieski: I would think so, that's what I asked. We have to make sure that it is clean material, not contaminated.

Chairman Pruet: He would have to abide by our regulations.....

Craig Minor: You could certainly include that in your report, as a recommendation to the Council to make sure that he brings in clean fill.

Commissioner Sobieski: I would be concerned with the runoff coming down that grade, you're going to be dumping water off this property, so you're going across our property, the National Welding site, onto the state property down there.

Commissioner Aieta: What is the difference in the grade between the Hayes property and the abutting property?

Craig Minor: Well, if you look at the sketch, these lines represent two foot intervals and there's a lot of them, so it drops from, well, the proposed grade would drop from 104 on the Hayes property down to 82, so a twenty foot drop.

Commissioner Aieta: And they are going to maintain a two to one slope?

Craig Minor: I can't say what the cross situation is.

Commissioner Aieta: I don't think so.

Commissioner Sobieski: I don't think so either.

Craig Minor: I can't trust the scale since this has....

Commissioner Aieta: They are going to have to put in retaining walls, since our regulations specifically say that when grading you have to have no more than a two to one slope.

Craig Minor: Okay, I'll make note of that also.

Commissioner Sobieski: Is this something that the Town Engineer should be looking at and we should be getting a report from him?

Craig Minor: Well.....

Commissioner Sobieski: I'm just asking the question....

Craig Minor: Well, you could, you could, but I would suggest you again just focus on whether this is a good use of land and when this comes back to you for site plan approval which it will have to eventually, at that time make sure that it complies with all of your regulations.

Commissioner Woods: But is it a good use of land for the developed piece that they want to develop or the town, but it's great for them, but is it good for us?

Craig Minor: Good question. Well, that's kind of what I meant, that's what you should leave to the Town Council to make the decision fiscally, financially, whether it is in the best interest of Newington and you just look at whether this violates any long term planning plans that you have.

Commissioner Aieta: They have to come back Dana, because when you fill property, it has to come to this board. So, they have to come back, but I agree with you, I mean, we're giving up buildable area, parking area, or something, what do we get in return?

Chairman Pruet: Any other comments on this? I mean, we could make those our concerns into this draft suggested motion when it moves forward, the 8-24 referral. I know that we have a tentative suggested draft motion, but if we could incorporate the comments here into that.....I'll entertain a motion if the Commission wants to, to move this to Old Business and to make those suggestions part of our report to the Town Council.

Commissioner Aieta: Move it into the next meeting Dave?

Chairman Pruet: We can put it into the next meeting, or we can put it into Old Business.

Craig Minor: Well, I think the Council was hoping to get an answer tonight so they can take action on it at their next meeting.

Chairman Pruet: Do you feel comfortable doing that?

Commissioner Anest: Well, are you going to be able to incorporate the suggestions this evening.....

Craig Minor: Into the report, yes.

Commissioner Lenares moved to move, with the corrective language that will be put into the motion for the draft from this evening, to Old Business. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

VII. OLD BUSINESS

A. Petition 08-12 Zoning Regulations Amendment (Section 3.15, 3.17 and 6.11) for Auto-Related Uses in the B-BT and PD Zones. Newington Town Plan and Zoning Commission, applicant.

Commissioner Sobieski moved that Petition 08-12: Zoning Regulations Amendment (Sections 3.15, 3.17 and 6.11) for Auto Related Uses in the B-BT and PD Zones be approved effective upon publication."

FINDINGS:

1. The current zoning regulations, which prohibit any motor vehicle-related uses along the Berlin Turnpike, are excessively restrictive.
2. Motor vehicle-related uses can be designed and operated in a manner consistent with the high standard of development along the Berlin Turnpike.
3. The proposed amendment creates two categories of motor vehicle-related uses, based on their potential to impact surrounding businesses and the visual landscape. The first category ("motor vehicle service uses") consists of gas stations, oil change facilities, brake and muffler shops, tire stores, and similar activities and would be allowed, by Special Exception, in the B-BT, PD and Industrial zone. The second category ("auto-related uses") consists of car dealerships, car rental agencies and car washes. These uses would continue to be prohibited in the B-BT and PD zones and continue to be allowed in the Industrial zone.
4. The proposed amendment is consistent with the 2010-2020 Plan of Conservation and Development, specifically Chapter 4 ("Development Strategies: Community Character" and "Development Strategies: Business Development: General Goals.")
5. The Capitol Region Council of Governments (CROCG reviewed the proposed amendment and found that it presented "no apparent conflict with regional plans and policies or the concerns of neighboring towns."

The motion was seconded by Commissioner Woods.

Commissioner Aieta: I'll start Mr. Chairman. I won't be voting for this change in the regulations. I don't think that the demonstrated outcry from the public that this change take place. I don't think that the regulation that has been drafted addresses the underlying problem of the nonconforming uses. We are still going to have nonconforming uses. It hasn't addressed that issue and I differ with some of the exceptions. I think that our Plan of Development was specifically against this. Within the last year this Commission had a shot at this and all of the people sitting at the table voted against making this change when an applicant came in with a proposed change and I don't think that this, the language that we are using here is going to make, I don't know, it's ill conceived. I don't see how the two different categories of auto related uses, I just am not comfortable with it, and I won't be voting for it.

Chairman Pruet: Any other Commissioner comments?

Commissioner Lenares: Well, not to reiterate where I stand on this, because we all know I was a proponent on having this as well as, I asked the Planner, I don't know if he has gotten this for me yet, some of the stuff that we had switched in years past, and I would also like to take a look at that in the future, but some of the language in this draft suggested motion, like I had to compromise on it, because I was one of the Commissioners who wanted to open up the whole thing. I would be in favor of even opening up the second part, but I had to make some concessions to get people to kind of agree or maybe to have it even passed. I like the regulation, I like the opportunity to do more business with this type of industry. Like I said, I would be in favor of opening it all up but if this is the best we can get, then this is the best we can get.

Chairman Pruet: Any additional comments?

The vote was in favor of the motion with five voting yes and one nay (Aieta.)

B. PETITION 12-12 Special Exception (Section 3.15.3: Sit Down Restaurant with outdoor seating) at 2909 Berlin Turnpike ("Bonefish Grill".) Wex-Tuck Realty 2 LLC owner/applicant; Nathan Kirschner of Langan Engineering, contact.

Commissioner Ekstrom moved that Petition 12-12: Special Exception (Section 3.15.3: Sit-Down Restaurant with outdoor seating) at 2909 Berlin Turnpike be approved.

FINDINGS:

- A public hearing was conducted in accordance with Section 5.2.3.
- The specific criteria listed in Section 5.2.6 were considered.

The motion was seconded by Commissioner Lenares. The vote was unanimously in favor of the motion with six voting YES.

C. PETITION 13-12: Site Plan Modification at 2909 Berlin Turnpike ("Bonefish Grill".) Wex-Tuck Realty II LLC, owner/applicant, Nathan Kirschner of Langan Engineering, contact.

Commissioner Aieta moved that Petition #13-12: Site Plan Modification at 2909 Berlin Turnpike (Bonefish Grill) be approved, with conditions.

FINDINGS:

- Any change to the proposed access and parking design caused by the future development of the adjacent parcel to the north will require site plan modification approval by the Commission.
- The proposed access and parking design provides sufficient parking for the proposed restaurant and for the existing office building on the parcel.

CONDITIONS:

1. The applicant shall submit a revised site plan that addresses the comments of the Town Engineer dated July 3, 2012 to his satisfaction:

2. The applicant shall submit a revised site plan that addresses the comments of the Town Planner dated July 11, 2012 to his satisfaction.

The motion was seconded by Commissioner Woods.

Commissioner Aieta: You know where I am on this as far as, I would have loved to see how they are going to address the parcel to the north on this site plan. I think it affects the traffic flow within the site, but if they are willing to gamble on the next piece, then I guess that's up to them. It would have been nice to plan for it now because I after the review of the site plan, some of the exit out to Main Street will be a problem. There is going to be quite an entrance problem and exit problem off of Main Street because of the circumstances of the surrounding area, I would have liked to have seen how they were going to handle the entrance and exit to the north piece but they choose not to show that, then we will see that at the next stop, when they come in again.

Chairman Pruet: I think also think, under findings, that they have to require a site plan modification approval again by this Commission, so that is in there too and I would definitely request a major traffic study of that area too. Any other discussions on that motion?

The vote was unanimously in favor of the motion, with six voting YES.

Petition 19-12:

Special Exception (Section 3.15.4: Restaurant) at 2551 Berlin Turnpike, 2551 Berlin Turnpike LLC, owner: Luz Ramos Squillante, applicant/contact.

Commissioner Anest moved that Petition 19-12: Special Exception (Section 3.15.4 Restaurant) at 2551 Berlin Turnpike be approved."

FINDINGS:

- A public hearing was conducted in accordance with Section 5.2.3.
- The specific criteria listed in Section 5.2.6 were considered.
- In 2007 the Commission granted site plan approval for this property and "deferred" twelve of the forty-seven required parking spaces.
- An 830 s.f. restaurant requires only two parking spaces more than an 830 s.f. retail use.

CONDITIONS:

None.

The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion with six voting YES.

Chairman Pruet: Okay, we have some comments on the 8-24 Referral?

Craig Minor: There is a draft motion and what I think we can do is to add some conditions to the draft motion, so if somebody wants to move the motion?

Petition 20-12:

Sec. 8-24 Referral from Newington Town Council regarding Request for Grading Rights at 690 Cedar Street (National Welding.) Hayes Developers, applicant.

Commissioner Lenares moved that Petition #20-12: Sec. 8-24 Referral from Newington Town Council regarding Request for Grading Rights at 690 Cedar Street (National Welding) be approved."

FINDINGS:

- If approved, this proposal would enable the Applicant to develop a greater amount of his property at 712 Cedar Street.
- This proposal does not conflict with the Plan of Conservation and Development (POCD.)
- This proposal does not conflict with the Long Range Capital Improvement Plan (CIP).

CONDITIONS:

None

Chairman Pruett: If we can list the conditions, Mr. Planner?

Craig Minor: Well, how about if we add to the report that I'm going to be packing up.....

Chairman Pruett: Findings?

Craig Minor: Yes, these will be findings four and five that I'm about to read, well, summary, but one finding will be that clean fill only should be used, and I'll flesh that out when I actually type in.....

Commissioner Woods: I'm still having trouble with what exactly this is supposed to do once the Council gets it. We're saying that, it's hard to separate the two, I know you said earlier that we have to separate the two but I don't know how.....

Craig Minor: In a perfect world, you separate.

Chairman Pruett: Basically, we're just reviewing it like we're supposed to by law, and we are going to set some findings and conditions and they are going to make the decision. We are going to do the best we can to present our review of this, kick it up to the Town Council and then it is open to public hearing, etc., etc, for this.

Craig Minor: Well, one of your findings could be, and you are kind of stating the obvious, but maybe that should be done, that whatever contract is negotiated, or arrangement is negotiated should benefit Newington.

Chairman Pruett: In the best interests for Newington. Something to the fact that it improves or protects the Newington property.

Craig Minor: And there may be, there may be a quid pro quo, not that it is secret, that we just don't know about. But there is no harm in making that one of your findings, that giving up

these grading rights the town ought to benefit for more than just the potential to increase the grand list, which, yes, that does come back to benefit everybody, but it certainly benefits Hayes Developer.

Commissioner Sobieski: Craig, when you add that, could you also possibly put in and (inaudible) specify to the Town Engineer?

Craig Minor: Well, the second thing that I was going to say was that proposed grades must comply with Zoning Regulations, so proposed grades and compaction must comply with....

Commissioner Aieta: It could end up where we have a retaining wall on our property, on our National Welding site. Without a plan of development of the National Welding site I agree with Dana, we're risking more than we are gaining.

Craig Minor: Do you want to stipulate that there must be no retaining wall?

Commissioner Aieta: I don't think, in ten feet they could meet a two to one slope, dropping forty, fifty feet.

Chairman Pruet: That's an awful lot of fill.

Commissioner Aieta: It's not that, it's the grade elevations, if you are here, and you are going to grade from this elevation to this elevation, within ten feet, so the slope is going to be at a tremendous angle, it's not going to be two feet in, one foot up. It's not going to be a slope like this, it's going to be more of a slope like this, and that could be a problem.

Craig Minor: It's a twenty-two foot drop from 104 down to 82 but I don't know, that's the rise, I don't know what the run is.

Commissioner Woods: Does National Welding, obviously the site is contaminated, but is the entire property contaminated or is it just, so are we talking about covering up contaminated soil with this fill, or as part of remediation of the building, or around the building as well.

Craig Minor: That could be a finding, that any fill must not conflict with the clean-up plan that we, that we have on file for National Welding.

Chairman Pruet: Actually, it depends on what they want to put in there, if they want to go deep, you know with some kind of residential, a condo, a business that requires a hell of a lot more contamination, they can seal it over and just build up on it. That's a good point though. Any other concerns? Could you recap that for us?

Craig Minor: The three findings that I already presented but then also clean fill only, and the proposed grades will comply with Zoning Regulations and compaction. That's obviously stream of consciousness, but I'll clean it up, that this must benefit the town also, and then finally, that fill must not conflict with our cleanup plan. What I would suggest I do is write it up, send it to the Chairman to review, make sure that it says what you meant it to say before I actually release it.

Chairman Pruet: Good. So, I think, has that been seconded? Is there a second on the motion as amended?

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

VIII. PETITIONS FOR PUBLIC HEARING SCHEDULING

Chairman Pruet: Anything on the docket?

Craig Minor: No.

Commissioner Anest: The church, right?

Craig Minor: Well, that's already scheduled.

Commissioner Aieta: That would be the only thing on the agenda the next time?

Craig Minor: No, you've got a couple of things hanging around. You've got that one lot subdivision on Robbins, which is on hold because of Wetlands, you've got MDC wants to do another pump station like they did a couple of months ago, that's on hold until they get their Wetlands approval, so those will be on the agenda next meeting.

Commissioner Sobieski: Craig, do you know how many more pumping stations the MDC is going to want to put in or recommend that they put in?

Craig Minor: I haven't heard that there are going to be any more in Newington.

Commissioner Sobieski: Just those two?

Craig Minor: I haven't heard, I've been in a bunch of meetings with them and they haven't said anything about any more, but I don't know.

Chairman Pruet: They've done some in the past Stan, up near Fifth Street area....

Commissioner Sobieski: I was just wondering Dave, if this was part of the Clean Water Act that they are doing.

Craig Minor: Oh, it is, it definitely is.

Commissioner Sobieski: So there could be more down the road somewhere.

Craig Minor: Definitely.

IX. TOWN PLANNER REPORTS

A. Update to Connecticut State Plan of Conservation and Development

Craig Minor: I just want to give you an update on the State Plan of Conservation and Development. I've been trying to do this for a couple of meetings, but I haven't been able to get to it. The State of Connecticut has a ten year plan, they call it the Plan of Conservation and Development, and it's kind of analogous to your Plan of Conservation and Development, and just like with your Plan of Development, you need to talk to other layers of government to make sure that there aren't any inconsistencies. Well, also for the first time, the State has been doing these plans for about twenty years now, they will attempt to be consistent with your Plan of Development to the extent possible, which was never a requirement before. So OPM, which is the state agency that is in charge of this, has actually been given very strict marching orders from the legislature to really reach out to the towns and get input from the towns. They are relying more on the regional planning agencies which is more practical and

CRCOG has been involved with this update process for several months. Each town is going to be given the opportunity to comment on the new Plan of Conservation and Development. Now, why do you care? Because one of the major parts of the state's Plan of Conservation and Development is what's called the Location Guide Map, which is sort of analogous to your zoning map. The Location Guide Map divides the state up into, or identifies areas of the state that should be developed and areas of the state that should be kept conservation. I'm simplifying it pretty much but basically it talks about growth and no growth zones. If an area of Newington is on the state's plan as a conservation area, then the state is prohibited from funding any project that would develop that area. So in a sense, it's zoned to be kept conservation and this is important for towns because if there is an area of Newington that is on the state's map as being a conservation area and the Town decided that it wanted to extend sewer service to that area of town, the State of Connecticut would not be able to finance a sewer extension project into an area of Newington that is designated as a conservation area, so it is important for towns to take a look at this map and make sure that there is no conflict between what Newington sees as it's future growth, and what the state sees as where growth should take place and where it shouldn't. Now, the deadline to submit comments is October 5th, so we have a fair amount of time to look at it. One thing that seems obvious to me is that the area of Cedar Mountain is not shown as a conservation area. That to me seems to be an area that we definitely want to tell the state is an area that should be, should show on the state map as a conservation area, and the flip side, I think probably the bus way corridor and/or maybe the Newington Junction area perhaps that should be shown, if it isn't already, as a development area.

Commissioner Anest: As a conservation area.

Craig Minor: No, no, the opposite, as a development area.

Commissioner Anest: No.

Craig Minor: Oh, good point, good point. You need to have that discussion so that the state doesn't map it the way that the state wants to. The town needs to have that discussion. So I'm just starting off tonight, I'll follow up again at your next meeting. It might be nice if, you wanted to, if there are any members of the Commission that were interested in this, and wanted to serve on like a sub-committee, I don't know if you guys do sub-committees a lot, but.....

Chairman Pruet: We have in the past, yes.

Craig Minor: And those handful of members can kind of become experts in this so that all of you don't have to.

Chairman Pruet: Okay, anyone interested see Craig. Carol, okay, Stanley.

Commissioner Anest: Is there anyway to get this so that it is easier to identify, it's kind of hard to read.

Craig Minor: I know, it's amazing how bad this map is. The town boundaries are almost impossible. You would think the state would give us the map of the development areas in the same format as the map of the conservation areas, but they are not in the same format, that's why they look different, cause they are different formats. Luckily Newington has an excellent GIS department and I'm sure Thad would love to help us, help me put together some good maps for you so we can go through this process. Okay, Carol and Stan, I'll get in touch with you about getting together maybe next week. Thank you.

X. PUBLIC PARTICIPATION (for items not listed on the agenda)

None

XI. COMMUNICATIONS

None

XII. REMARKS BY COMMISSIONERS

Commissioner Aieta: Yeah, real quick, just on the items I brought up at the last couple of meetings, Pane Road and then Maple Hill Avenue, the sign issues. Have we made any headway with them? Maple Hill Avenue, there is a sign at the nursery, a hand written sign, you're looking at me as if you don't know what I'm talking about, we discussed it for two meetings, this is the third meeting so I'm bringing it up again.

Craig Minor: Well.....

Commissioner Aieta: There is a sign on Maple Hill Avenue that's,....

Chairman Pruet: Two hundred block, I think.

Commissioner Aieta: Yeah, it's a handwritten sign on a 4 x 8 sheet of plywood. And then there's, out, right on Maple Hill Avenue, it's a residential zone, there's also plants and shrubbery and stuff and a sign that says for sale, and our regulations say that product is interpreted as a sign. It's the same situation that we have on Pane Road with the granite guy who is displaying his product in the front yard. This is something that I brought up two meetings ago, last meeting, and I'm bringing it up again. And I'll bring it up until I get an answer.

Craig Minor: But what is the question?

Commissioner Aieta: I can't believe that you are asking me that. You don't see what the question, the question is, these are illegal signs.

Craig Minor: So you are saying that they are illegal signs.

Commissioner Aieta: Yeah.

Craig Minor: So then there is no question.

Commissioner Aieta: Okay, then what are we doing about it?

Craig Minor: So you want the ZEO to investigate and enforce.....

Commissioner Aieta: I thought we were doing that two meetings ago.

Chairman Pruet: Yes, mention to have Hanke investigate that on that 200 block on Maple Hill Avenue, landscaping or farm, or something like that.

Commissioner Sobieski: Excuse me Dave. Weren't we supposed to be getting a report once a month from Art as to what violations there were?

Commissioner Anest: We got one last meeting.

Craig Minor: Was it in your packet?

Commissioner Anest: Last meeting it was.

Commissioner Sobieski: I couldn't remember if it was every meeting, or every other meeting, or once a month, or.....

Chairman Pruet: And also the Pane Road situation.

Commissioner Pane: If the other Commissioners don't feel that that is something that we should be looking at, then excuse me, don't enforce it. But it's obvious from our regulations that a display of products is, represents a sign. If that is the case, then these blocks of granite over exceed the sign regulations for that building, and they are also in the front yard, which is not allowed.

Chairman Pruet: It's something we need to discuss and clarify.

Craig Minor: Okay, so you want me to do that?

Chairman Pruet: Yes.

Commissioner Anest: I have a question. You are saying like when these box stores have their merchandise out in their parking lot, is that considered a sign?

Commissioner Aieta: Yes.

Commissioner Anest: I mean, in front. It's constant, everywhere.

Commissioner Aieta: Right, a good example, if you allow the granite guy and you don't enforce these regulations then you'll see on the Berlin Turnpike on a Saturday and Sunday the carpet guy will put all his carpets out right on the Berlin Turnpike which we see, the cabinet guy comes and he has permanent holes in the ground where he puts up his sign and he displays stuff and you will see product out on the turnpike, you'll see where the, up on the turnpike, where they had a tag sale, where the old Bernie's is, I think it's.....

Chairman Pruet: The Salvation Army.

Commissioner Aieta: Yes, they're displaying stuff and it's right in the state right of way. It's not even on their own property and that is what perpetuates, if we don't enforce these regulations, it's perpetuates itself and people say, well, that's acceptable practice and then you will see it where it just snowballs, and we have been fighting this for years, especially on the Berlin Turnpike.

Commissioner Anest: Is Art still like, every so often on a Saturday, working?

Chairman Pruet: I'm going to discuss that with staff. That we used to do that, and I think it is a good idea. I'll discuss that again. We used to have Art come in every six or eight weeks on a Saturday and review and then take a day off during the week or something you can work out with your schedule. It was pretty good. People have a tendency, some people know our laws and they, like Frank mentioned, and we snagged a few people and they were informed not to do it. I'll discuss that with you.

Chairman Pruet: Any other comments? We'll have Mr. Hanke check out those items and issue a report and we'll discuss it.

Commissioner Ekstrom: I just didn't know if it was okay, if I went back to the auto related issue.

Chairman Pruet: For a clarification?

Commissioner EKstrom: I raised my hand, but maybe I didn't raise it high enough before. I just wanted to comment and say, reading through the minutes from the last meeting and being at the meeting I agree with what Carol said, and after reviewing it, being an outsider, just coming into this Commission that I feel it was beneficial how you guys separated everything out and it was more understandable.

Chairman Pruet: Okay, sorry I didn't see your hand. Thanks for your comments.

XIII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: I have no closing comments, I think it was a very productive meeting, I think we do a good job here addressing what is best for the Town of Newington.

XIV. ADJOURNMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Woods. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary